



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1345

Introduced 2/18/2009, by Rep. Kevin Joyce

SYNOPSIS AS INTRODUCED:

5 ILCS 140/2

from Ch. 116, par. 202

Amends the Freedom of Information Act. Redefines a "public record" to include the portion of a settlement agreement entered into by or on behalf of a public body that shows the total amount of any moneys or total financial value of other agreements that resulted in a financial payment to or by the public body and the amount expended by or on behalf of the public body for the prosecution, defense, or settlement of any litigation. Effective immediately.

LRB096 08462 JAM 18581 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 2 as follows:

6 (5 ILCS 140/2) (from Ch. 116, par. 202)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Public body" means any legislative, executive,
9 administrative, or advisory bodies of the State, state
10 universities and colleges, counties, townships, cities,
11 villages, incorporated towns, school districts and all other
12 municipal corporations, boards, bureaus, committees, or
13 commissions of this State, any subsidiary bodies of any of the
14 foregoing including but not limited to committees and
15 subcommittees which are supported in whole or in part by tax
16 revenue, or which expend tax revenue, and a School Finance
17 Authority created under Article 1E of the School Code. "Public
18 body" does not include a child death review team or the
19 Illinois Child Death Review Teams Executive Council
20 established under the Child Death Review Team Act.

21 (b) "Person" means any individual, corporation,
22 partnership, firm, organization or association, acting
23 individually or as a group.

1 (c) "Public records" means all records, reports, forms,
2 writings, letters, memoranda, books, papers, maps,
3 photographs, microfilms, cards, tapes, recordings, electronic
4 data processing records, recorded information and all other
5 documentary materials, regardless of physical form or
6 characteristics, having been prepared, or having been or being
7 used, received, possessed or under the control of any public
8 body. "Public records" includes, but is expressly not limited
9 to: (i) administrative manuals, procedural rules, and
10 instructions to staff, unless exempted by Section 7(p) of this
11 Act; (ii) final opinions and orders made in the adjudication of
12 cases, except an educational institution's adjudication of
13 student or employee grievance or disciplinary cases; (iii)
14 substantive rules; (iv) statements and interpretations of
15 policy which have been adopted by a public body; (v) final
16 planning policies, recommendations, and decisions; (vi)
17 factual reports, inspection reports, and studies whether
18 prepared by or for the public body; (vii) all information in
19 any account, voucher, or contract dealing with the receipt or
20 expenditure of public or other funds of public bodies; (viii)
21 the names, salaries, titles, and dates of employment of all
22 employees and officers of public bodies; (ix) materials
23 containing opinions concerning the rights of the state, the
24 public, a subdivision of state or a local government, or of any
25 private persons; (x) the name of every official and the final
26 records of voting in all proceedings of public bodies; (xi)

1 applications for any contract, permit, grant, or agreement
2 except as exempted from disclosure by subsection (g) of Section
3 7 of this Act; (xii) each report, document, study, or
4 publication prepared by independent consultants or other
5 independent contractors for the public body; (xiii) all other
6 information required by law to be made available for public
7 inspection or copying; (xiv) information relating to any grant
8 or contract made by or between a public body and another public
9 body or private organization; (xv) waiver documents filed with
10 the State Superintendent of Education or the president of the
11 University of Illinois under Section 30-12.5 of the School
12 Code, concerning nominees for General Assembly scholarships
13 under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi)
14 complaints, results of complaints, and Department of Children
15 and Family Services staff findings of licensing violations at
16 day care facilities, provided that personal and identifying
17 information is not released; ~~and~~ (xvii) records, reports,
18 forms, writings, letters, memoranda, books, papers, and other
19 documentary information, regardless of physical form or
20 characteristics, having been prepared, or having been or being
21 used, received, possessed, or under the control of the Illinois
22 Sports Facilities Authority dealing with the receipt or
23 expenditure of public funds or other funds of the Authority in
24 connection with the reconstruction, renovation, remodeling,
25 extension, or improvement of all or substantially all of an
26 existing "facility" as that term is defined in the Illinois

1 Sports Facilities Authority Act; and (xviii) only that portion
2 of settlement agreements entered into by or on behalf of a
3 public body that shows the total amount of any moneys or total
4 financial value of other agreements, that are not otherwise
5 exempt under Section 7 of this Act, that resulted in a
6 financial payment to or financial payout by the public body and
7 the amount of moneys expended by or on behalf of the public
8 body for the prosecution, defense, or settlement of any
9 litigation.

10 (d) "Copying" means the reproduction of any public record
11 by means of any photographic, electronic, mechanical or other
12 process, device or means.

13 (e) "Head of the public body" means the president, mayor,
14 chairman, presiding officer, director, superintendent,
15 manager, supervisor or individual otherwise holding primary
16 executive and administrative authority for the public body, or
17 such person's duly authorized designee.

18 (f) "News media" means a newspaper or other periodical
19 issued at regular intervals whether in print or electronic
20 format, a news service whether in print or electronic format, a
21 radio station, a television station, a television network, a
22 community antenna television service, or a person or
23 corporation engaged in making news reels or other motion
24 picture news for public showing.

25 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;
26 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff.

1 7-11-02.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.